
SENATE BILL 5873

State of Washington 60th Legislature 2007 Regular Session

By Senators Kline, Shin, Jacobsen and Kohl-Welles

Read first time 02/05/2007. Referred to Committee on Labor,
Commerce, Research & Development.

1 AN ACT Relating to the human rights commission's definition of
2 employer; and amending RCW 49.60.040.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 49.60.040 and 2006 c 4 s 4 are each amended to read as
5 follows:

6 The definitions in this section apply throughout this chapter
7 unless the context clearly requires otherwise.

8 (1) "Person" includes one or more individuals, partnerships,
9 associations, organizations, corporations, cooperatives, legal
10 representatives, trustees and receivers, or any group of persons; it
11 includes any owner, lessee, proprietor, manager, agent, or employee,
12 whether one or more natural persons; and further includes any political
13 or civil subdivisions of the state and any agency or instrumentality of
14 the state or of any political or civil subdivision thereof;

15 (2) "Commission" means the Washington state human rights
16 commission;

17 (3) "Employer" includes any person acting in the interest of an
18 employer, directly or indirectly, who employs (~~eight~~) one or more

1 persons, and does not include any religious or sectarian organization
2 not organized for private profit;

3 (4) "Employee" does not include any individual employed by his or
4 her parents, spouse, or child, or in the domestic service of any
5 person;

6 (5) "Labor organization" includes any organization which exists for
7 the purpose, in whole or in part, of dealing with employers concerning
8 grievances or terms or conditions of employment, or for other mutual
9 aid or protection in connection with employment;

10 (6) "Employment agency" includes any person undertaking with or
11 without compensation to recruit, procure, refer, or place employees for
12 an employer;

13 (7) "Marital status" means the legal status of being married,
14 single, separated, divorced, or widowed;

15 (8) "National origin" includes "ancestry";

16 (9) "Full enjoyment of" includes the right to purchase any service,
17 commodity, or article of personal property offered or sold on, or by,
18 any establishment to the public, and the admission of any person to
19 accommodations, advantages, facilities, or privileges of any place of
20 public resort, accommodation, assemblage, or amusement, without acts
21 directly or indirectly causing persons of any particular race, creed,
22 color, sex, sexual orientation, national origin, or with any sensory,
23 mental, or physical disability, or the use of a trained dog guide or
24 service animal by a disabled person, to be treated as not welcome,
25 accepted, desired, or solicited;

26 (10) "Any place of public resort, accommodation, assemblage, or
27 amusement" includes, but is not limited to, any place, licensed or
28 unlicensed, kept for gain, hire, or reward, or where charges are made
29 for admission, service, occupancy, or use of any property or
30 facilities, whether conducted for the entertainment, housing, or
31 lodging of transient guests, or for the benefit, use, or accommodation
32 of those seeking health, recreation, or rest, or for the burial or
33 other disposition of human remains, or for the sale of goods,
34 merchandise, services, or personal property, or for the rendering of
35 personal services, or for public conveyance or transportation on land,
36 water, or in the air, including the stations and terminals thereof and
37 the garaging of vehicles, or where food or beverages of any kind are
38 sold for consumption on the premises, or where public amusement,

1 entertainment, sports, or recreation of any kind is offered with or
2 without charge, or where medical service or care is made available, or
3 where the public gathers, congregates, or assembles for amusement,
4 recreation, or public purposes, or public halls, public elevators, and
5 public washrooms of buildings and structures occupied by two or more
6 tenants, or by the owner and one or more tenants, or any public library
7 or educational institution, or schools of special instruction, or
8 nursery schools, or day care centers or children's camps: PROVIDED,
9 That nothing contained in this definition shall be construed to include
10 or apply to any institute, bona fide club, or place of accommodation,
11 which is by its nature distinctly private, including fraternal
12 organizations, though where public use is permitted that use shall be
13 covered by this chapter; nor shall anything contained in this
14 definition apply to any educational facility, columbarium, crematory,
15 mausoleum, or cemetery operated or maintained by a bona fide religious
16 or sectarian institution;

17 (11) "Real property" includes buildings, structures, dwellings,
18 real estate, lands, tenements, leaseholds, interests in real estate
19 cooperatives, condominiums, and hereditaments, corporeal and
20 incorporeal, or any interest therein;

21 (12) "Real estate transaction" includes the sale, appraisal,
22 brokering, exchange, purchase, rental, or lease of real property,
23 transacting or applying for a real estate loan, or the provision of
24 brokerage services;

25 (13) "Dwelling" means any building, structure, or portion thereof
26 that is occupied as, or designed or intended for occupancy as, a
27 residence by one or more families, and any vacant land that is offered
28 for sale or lease for the construction or location thereon of any such
29 building, structure, or portion thereof;

30 (14) "Sex" means gender;

31 (15) "Sexual orientation" means heterosexuality, homosexuality,
32 bisexuality, and gender expression or identity. As used in this
33 definition, "gender expression or identity" means having or being
34 perceived as having a gender identity, self-image, appearance,
35 behavior, or expression, whether or not that gender identity, self-
36 image, appearance, behavior, or expression is different from that
37 traditionally associated with the sex assigned to that person at birth;

1 (16) "Aggrieved person" means any person who: (a) Claims to have
2 been injured by an unfair practice in a real estate transaction; or (b)
3 believes that he or she will be injured by an unfair practice in a real
4 estate transaction that is about to occur;

5 (17) "Complainant" means the person who files a complaint in a real
6 estate transaction;

7 (18) "Respondent" means any person accused in a complaint or
8 amended complaint of an unfair practice in a real estate transaction;

9 (19) "Credit transaction" includes any open or closed end credit
10 transaction, whether in the nature of a loan, retail installment
11 transaction, credit card issue or charge, or otherwise, and whether for
12 personal or for business purposes, in which a service, finance, or
13 interest charge is imposed, or which provides for repayment in
14 scheduled payments, when such credit is extended in the regular course
15 of any trade or commerce, including but not limited to transactions by
16 banks, savings and loan associations or other financial lending
17 institutions of whatever nature, stock brokers, or by a merchant or
18 mercantile establishment which as part of its ordinary business permits
19 or provides that payment for purchases of property or service therefrom
20 may be deferred;

21 (20) "Families with children status" means one or more individuals
22 who have not attained the age of eighteen years being domiciled with a
23 parent or another person having legal custody of such individual or
24 individuals, or with the designee of such parent or other person having
25 such legal custody, with the written permission of such parent or other
26 person. Families with children status also applies to any person who
27 is pregnant or is in the process of securing legal custody of any
28 individual who has not attained the age of eighteen years;

29 (21) "Covered multifamily dwelling" means: (a) Buildings
30 consisting of four or more dwelling units if such buildings have one or
31 more elevators; and (b) ground floor dwelling units in other buildings
32 consisting of four or more dwelling units;

33 (22) "Premises" means the interior or exterior spaces, parts,
34 components, or elements of a building, including individual dwelling
35 units and the public and common use areas of a building;

36 (23) "Dog guide" means a dog that is trained for the purpose of
37 guiding blind persons or a dog that is trained for the purpose of
38 assisting hearing impaired persons;

1 (24) "Service animal" means an animal that is trained for the
2 purpose of assisting or accommodating a disabled person's sensory,
3 mental, or physical disability.

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